

REMARKS/ARGUMENTS

The Office Action of August 24, 2006, has been carefully reviewed and these remarks are responsive thereto. Claims 1, 11, 13, 14, and 16-21 have been amended. Claims 1-21 remain pending in this application. Reconsideration and allowance of the instant application are respectfully requested.

Objection to the Specification

The Office Action objects to the Cross Reference to Related Applications, and requests that the information be updated. Applicants herein amend the specification as requested, and request the objection be withdrawn.

Rejections Under 35 U.S.C. § 112

Claim 15 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite, because there are two claims 15. Applicants herein correct the claim numbering, and respectfully request the rejection be withdrawn. Applicants note that the filing receipt correctly indicates that 21 claims were filed, and thus no additional fees are believed due at this time.

Rejections Under 35 U.S.C. § 101

Claims 1-21 (amended) stand rejected under 35 U.S.C. § 101 as being directed to nonstatutory subject matter. Applicants respectfully traverse this rejection for at least the following reasons.

While Applicant disagrees with the characterization of the claims in the rejection of the claims under 35 U.S.C. § 101, Applicant has nonetheless amended claims 1 and 21 to clearly indicate that the method instructions, stored on a tangible computer readable medium, are executed by a computer. Claims 1-10 and 21 clearly articulate that, via the method, a computer achieves a useful, concrete, and tangible result, e.g., graphically depicting weather in a computer game based on a current position of the user within a grid.

Claims 11, 13, 14, and 16-20 have been amended to correct clerical errors. No substantive amendments have been made to these claims, except that claim 11 now recites a tangible computer

readable medium. Nonetheless, claim 11 recites a data structure which provides a new and useful format for storing weather information for use by a computer game. Data structure claims are expressly authorized by In re Lowry, 32 F.3d 1579 (Fed. Cir. 1994). Claims 11-20 are thus allowable as presented.

Rejections Under 35 U.S.C. § 102

Claims 1 and 2 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Grigoriev ("Case Study for Natural Phenomena Visualization: Weather Effects"). Applicants respectfully traverse this rejection based on the attached Declaration Under 37 C.F.R. § 1.131, indicating that the invention was actually reduced to practice prior to the critical date of the reference.

CONCLUSION

All issues and rejections having been addressed, applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the Examiner is requested to contact the undersigned at (202) 824-3153.

Respectfully submitted,
BANNER & WITCOFF, LTD.

Dated this 21 day of Nov., 2006

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